

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (original): A semiconductor device including a dual damascene structure formed in a dielectric stack, the stack comprising an upper layer having a first formation etched therein, an intermediate etch stop layer and a lower layer having a second formation etched therein, the second formation being contiguous with the first through the etch stop layer, each of the layers having a dielectric constant  $k \leq 3.5$  and the etch stop layer has a selectivity of at least 2.5:1 relative to the upper layer.

Claim 2 (original): A device as claimed in Claim 1 wherein the etch stop layer is integral with the lower layer.

Claim 3 (currently amended): A device as claimed in Claim 1 or ~~Claim 2~~ wherein the etch stop layer is formed of nitrogen-doped silicon carbide.

Claims 4-8 (canceled)

Claim 9 (original): An etch stop layer comprising nitrogen doped silicon carbide.

Claim 10 (original): A stack of dielectric layers when in each layer is formed of a different material, the materials having detectably different etch characteristics but generally equal dielectric constants.

Claim 11 (Original): A stack as claimed in Claim 10 wherein the selectivity between adjacent layers is at least 2.5:1.

Claim 12 (canceled)

Claim 13 (currently amended): A stack as claimed in Claim 10 or ~~Claim 11~~ wherein the difference in the dielectric constants of the materials of adjacent layers varies by less than 10%.

Claims 14-16 (canceled)